IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND SIX

PRESENT
THE HON'BLE SRI JUSTICE BILAL NAZKI
and
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.24990 of 2006

Between:

P.Prabhudarshan

..... PETITIONER

AND

The Principal District & Sessions Judge,

Medak District.

.....RESPONDENTS

ORDER: **(Per Hon'ble Sri Justice Bilal Nazki,)**

Heard learned Counsel for the petitioner as well as the learned Standing Counsel appearing for the High Court of Andhra Pradesh.

The petitioner's case is that he is the adopted son of one Patnam Narsimulu, who was working as a Junior Assistant and died in harness on 21-11-2000. Thereafter, the petitioner moved an application for compassionate

appointment and it was rejected by the respondent-The Principal District & Sessions Judge, Medak District, on the ground that the petitioner has not proved that he was the adopted son of P.Narsimulu. The petitioner, even in the Writ Petition, has described himself as P.Prabhudarshan, Son of P.Chandraiah. Petitioner claimed to have been adopted by Sri P.Narsimulu in the year 1993, but still, his parentage recorded in his school certificate is 'P.Chandraiah'. In the absence of any registered deed of adoption, and in view of the fact that the petitioner still continues to show his parentage as 'P.Chandraiah', the respondent was not wrong in rejecting the application of the petitioner.

There are other reasons also for not allowing this Writ Petition and they are Sri P.Narsimulu had died in the year 2000 and six years have already passed. Even if it is accepted that the petitioner was the adopted son of said P.Narsimulu, his family has now survived for a period of six years without the petitioner getting employment. The purpose of providing appointment on compassionate grounds is only to ameliorate the family, which suffers a sudden loss of income due to the death of an earning member. If the family survives for long period after the death of the bread winner, the Courts do not ignore the mandate of Article 14 of the Constitution of India and make an appointment *dehors* the Rules as the appointment on compassionate grounds is, essentially, an appointment *dehors* the rules permissible only for the purpose of helping

a family, which suddenly loses a bread winner. In this connection, reference may be made to the judgments of the Supreme Court reported in ***State of J&K and others***[1] and ***Umesh Kumar Nagpal v. State of Haryana***[2]

Therefore, the Writ Petition is dismissed. No costs.

(Bilal Nazki, J)

14th December, 2006

(Nooty Ramamohana Rao, J)

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and a division bench judgment of . In the judgment first cited supra, the Supreme Court held as follows:

> 'Compassionate appointment is an exception to general rule that appointment to public office should be made on the basis of competitive merits. Once it is proved that in spite of the death of the breadwinner, the family survived and substantial period is over, there is no need to make appointment on compassionate ground at the cost of the interests of several others ignoring the mandate of Article 14 of the Constitution.'

1994 (4) SCC 138 and 2002 (5) ALT 270.

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[1] **2006(5) SCC 766**

[2] **(1994) 4 SCC 138**